App. F. IX-4

1940.
(Mwz)

File No. 148-40
Serial Nos. 1-2

Previous References
Mwz&Cp 130-40
Mwz 129-34-1-2

PRESERVED

Later References.
Rev. Lw. 7-12
Mwz 242-41-1-2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. two

Part B for December 1940

SUBJECT.

C SNo 17 of 1934-35 (Govt by the Mwzrai Commissioner Versus Mr. Narasimha Iyengar and others) on the file of the Additional Dt judge Bangalore re drawing half of the litigation charges advanced from the Government

G ONo 1053-4 dated 18-11-1940

The Mwzrai commissioner
The Comptroller

WD 0578 500—12-9-39

The order of the Mwzrai Commissioner is sanctioned

CK Row
24/11/41

G. R. S APP. F. III—1]

GENERAL AND REVENUE SECRETARIAT.

(Mines)

NOTES. File No. [illegible]

FILE HEADING.

[illegible]

FROM

[illegible]

No. [illegible] Dated [illegible] Received [illegible]

Diary No. 566 | Encls | Spare copies | Serial No. 1

BRIEF ABSTRACT OF LETTER

[illegible]

NOTES AND ORDERS.

Y

A Sum of Rs 1330-9-6 has been ordered to be advanced from the General Revenue Funds, towards meeting the charges in connection with the following a Suit in the above case, subject to its recovery from the funds of the Sri Jayawardhanapura Municipal Council in due course. The Funds of the Municipal Council, Rs 12.615 on account of Special Endowment Fund and Rs 6,903-2-11 on account of Betterment Fund also

NOTES—First Sheet

WD 077 —GPB—5,000—11-9 40

of the Mutt, and both these amounts have been invested, yielding interest at Rs 50/- and Rs 280 respectively per annum. The Revenue Commissioner has pointed out that the advance of Rs 1230-9-6 referred to above has to be recalled from out of the interest amount of Rs 280 on permanent funds of the Mutt only, as the other interest amount of Rs 50/- on Special Endowment funds can not be utilised for any other purposes than the specified Devadasi and that the former amount (Rs 280) is hardly sufficient to meet the daily puja expenses in the Mutt with the result that the total advance amount can not be recalled in full, without causing much inconvenience to the Inam Authorities of the Mutt. He has therefore requested that half of this advance viz Rs 665-14-9 may be recalled in annual instalments of Rs 100 each and that the recalling of the other half may be waived.

(2) The suit for the filing of which an advance (loan) was made from out of the Government Revenue funds, was in the interests of the preservation of the Trust property in tact, without allowing it to be misused, by the officers of the Mutt. Ramanuja Iyengar and others who were unwilling to restore it to the

Serial No.

in getting suits, without any lawful and justifiable grounds. The suit ended in a compromise and the terms of the compromise decree are not known. If the defendants have been directed in the decree to pay up the costs of the plaintiff in the suit, that amount may have to be realised and utilised towards payments of the advances made from Mangalore funds. A copy of the decree will be obtained from the Mangalore Commissioner if advocate's is not available in the Law Secretariat to ascertain what the position is.

(3) Further, whether the costs of the suit are awarded to the plaintiff as payable by the defendants, or not, in view of the fact that it is one of the duties of a Trustee (in this case, the Government who are managing the properties of the Mutt) to take steps for the preservation, assertion or protection of his title to the property belonging to the Mutt, and also of the fact that the suit in question was filed in the discharge of such duty, the plaintiff (Trustee) is entitled to reimburse himself out of the trust-property, all expenses properly incurred by him, in the execution, realisation, preservation or benefit of the trust-property, and if he has paid for such expenses out of his own pocket, he will have a

NOTE—Contn. Sheet.

Serial No.

RECEIPT
NOV 9 1940
No. 4576

a first charge on the trust property. The litigation charges in question may therefore be recovered from out of the entire trust property (Rs 5064 + 250 interest amounts on the Endowment Funds) and the contention put forth by the Mangrai Committee that they can not be recovered from out of the interest amount on Special Endowment Funds may not be acceptable. In any case the Mutt will have to pay the advances in full and no case ~~seems to be~~ is made out for waiving the recovery of the other half Rs 6651-4-9 as proposed by the Mangrai Committee.

Submitted for orders.

29/10/40 The R C recommends that one half of the litigation expenses advanced may be waived & the other half recovered from the Mutt annually every year. Waiving such charges will no doubt create an unfortunate precedent but in view of the special circumstances of the Mutt, there seems to be no way of recovering the whole amount.

29/10

2nd Member (Mangalore)

7/11

8.11.40

11/11/40

12.11

GENERAL
29 OCT. 1940
2770

1462

Serial No.

(8) A draft Cyr. Saraty is forthcoming.

13/11/40

Financial Secy. has agreed. Draft under issue.

26/11/40

2 105-3-4 dated 18.11.1940
The Municipal Commissioner
Bombay

Sanction thereto

NOTE—Contn Sheet.

File No. of 194 .

General and Revenue Secretariat

Serial No.

M. C. 13]

No.HC. 120/34-35.

ENCL. 2.

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,
Camp, Mysore,
~~Bangalore~~, 13th October 1940.

FROM

RUKN-UL-MULK
S. ABDUL WAJID, B.A.,
Muzrai Commissioner in Mysore.

GENL & REV. SECRETARIAT 17 OCT. 1940 5760.

To

J. Appaji Gowda, Esq., B.A.(Hons.),
Secretary to the Government of His Highness
the Maharaja of Mysore,
Camp, Mysore. *Department.*

GENERAL SECRETARY 15 OCT. 1940

SIR,

O.S. 17 of 34-35 (Government by the Muzrai Commissioner Vs. M.T.Narayana Iyengar and others) on the file of the Additional District Judge, Bangalore. - Waiving half of the litigation charges advanced from Government. -

---:o:---

With reference to Government Order No.414-5/Muz.360-39-6 dated 28th August 1940 sanctioning the claim of the Public Prosecutor, Bangalore District, for Rs.1,330-9-6 including his remuneration and other charges of the litigation from the General Muzrai Fund as advance subject to adjustment, I have the honour to forward herewith a note explaining the position of the investments of the Special Endowments for Sevas and of the Permanent Funds of the Mutt. It is seen therefrom that the Special Endowment Funds for Sevas aggregate Rs.6,903-2-11. Rs 12,615 and the permanent funds of the mutt Besides, both these Funds have been invested in some security or other, yielding an average interest of Rs.504/- per annum. The interest amount on Special Endowment Funds cannot be utilised for other purposes. The interest amount that may be realised on permanent Funds is Rs.230/- (in round figures) and it is out of this amount, the advance of Rs.1,330-9-6 made towards the litigation charges has to be recovered.

2) Mr. M.T.Narayana Iyengar who was consulted in the matter has requested that as the Mutt is very poor, the litigation charges may be waived, and if it is not feasible, a special rate of interest at 5 per cent as against 4 per cent that is allowed may be allowed

the Permanent

the Permanent Funds of the Mutt, and the additional interest of one per cent may be adjusted toeards the advance. An extract of para 2 of his letter dated 18th September 1940 is enclosed. It is not possible either to waive the recovery of the entire advance or, to allow an enhanced interest at 5 per cent on the investment in Charitable Deposit.

3) The resources of the Mutt are very poor, and the annual interest that may be realised on the permanent Funds of the Mutt is hardly sufficient to meet the daily puja expenses in the Mutt. In the circumstances, I request that sanction of Government may kindly be obtained to waive the recovery of half of the advance made towards the litigation charges, the other half being recovered by easy annual instalments at Rs.100/- out of the interest realised on the Permanent Funds of the Mutt, as a special case.

I have the honour to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

BRN.

N O T E.

SRI YATHIRAJA MUIT TRUST FUNDS.

The assets of the trust are as follows.

i) Charitable Deposits	Rs11,463-2-11
ii) Apex Bank Fixed Deposit.. ..	" 5,500-0- 0
iii) Jhamarajapuram Co-operative Society, Mysore, Fixed Deposit. ..	" 1,000-0- 0
iv) 6½ per cent. State Loan Bond ..	" 50-0- 0
v) Hypothecation Bond	" 1,000-0- 0
vi) Promote and Portable Bonds ..	" 986-0- 0
	Rs.20,000-0-11

Out of the above assets, item (v) cannot be taken into cash account, as the Secretary of Sri Yatiraja Muit, Melukote, Pandavapuram Taluk, the debtor, is under correspondence.

Item (iv) cannot be taken into account, as the recovery of Rs.200 from Sri Ramachandrachar, is not possible, and as the amount has been written off the account. Likewise, a sum of Rs.110 due from Sri Gopalachar, Srirangam, is not possible, as the mortgaged house has been conveyed to the Muit, and the house is in possession of the Muit.

Deducting items (v) and (vi), viz.,

Rs.1,000, the assets are .. Rs.18,014-2-11

As against the above, the liabilities, i.e., the accrued interest on the various investments which have not been expended for the account of the Ligulated Cows Fund require to be added on to the corpus of the Institution.

are as follows:-

Particulars.	Original Amount. Rs.	Interest. Rs.	Total. Rs.	Annual Interest. Rs.
i) Viramuni Pandiyaradhanam Fund	3,235	1,200	4,435	177
ii) Milk Sevartham Fund ..	1,000	120	1,120	45
iii) Ponnal, Alankaram and other Sevartham Fund..	3,125	600	3,725	149
iv) Previous Army's Iruppukkaratram Fund ..	1,250	450	1,700	68
v) Sri Ve[illegible]appal's Endowment Fund	525	60	585	23
vi) T. V. Srinivasa Reddy's endowment for Sevartham in Sri Venkatachalapathy ~~Venkatachalapathy~~ Vanamamalai Mutt.	80	--	80	8
vii) Sri T. V. Srinivasa Perumal's endowment for 'Thedukkam Seva'.	1,000	--	1,000	40
	10,135	2,430	12,615	504

Note:- As regards item (v), a recommendation has been made to Government, to pay Sri V. Ponnal the interest on Rs.600 during her lifetime, and to conduct the monthly Iruppukkaratram Seva out of the interest on Rs.225.

Total assets of the Mutt funds ..	Rs.	12,515-3-11
Special Endowment Fund	"	12,615-0-0
The balance representing the permanent funds of the Mutt	Rs.	0-3-11
The annual interest at an average rate of 4% on the Special Endowment is..	Rs.	504 0-0.

The annual interest that is available in respect of each of the above items (i) to (vii) endowment sevas, is noted against each.

According to the compromise decree passed in O.S.17/34 on the file of the District Judge, Bangalore, the mode of income and expenditure was to be fixed for each seva, according to the income from the endowed properties.

The annual interest on each of the several endowments has been noted above.

Dr. B. T. Narasaiengar, who has experience of these sevas may, perhaps, be requested to furnish details of expenditure for each seva, from out of the annual interest available therefor.

Sum of Rs.1,330-9-6 has been advanced from the General Nuzrai Fund towards the litigation charges. According to the decree, the amount of advance has to be adjusted from the funds of the institution. The question of adjusting the advance by easy instalments may also, perhaps, be suggested by Mr. B. T. Narasiengar, in consultation with the newly constituted Committee, if necessary.

M. N. Ramachar.

for Nuzrai Commissioner.

16-9-40.

Letter dated 18th September 1940 from Mr. M.T.Naraniengar, M.A., Ex-Trustee, Sri Yatiraja Matt, Malleswaram, to the Muzrai Commissioner in Mysore, Bangalore.

-:------:-

* * * * * * *

* * * * * *

2) As regards the sum of Rs.1330-9-6 advanced from the General Muzrai Fund Towards litigation charges, a reference should be made to Government to come to the rescue of the Matt, since the Matt is too poor to meet the heavy litigation charges out of the Permanent Fund. If this be found not feasible, it is suggested that as a Special Case the rate of interest on the Permanent Fund should be increased to 5% until the advance is adjusted and the additional 1% so realised on the permanent fund set off against the above advance of Rs.1330 yearly.

* * * * * * *

"Extract."

M. N. Ramaiah

For Muzrai Commissioner.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read :—

Government rder No.414-5/Muz.360-39-6 dated 28th August sanctioning the clai of the ublic Prosecutor, Bangalore Division, for Rs.1330-9-6 including his remuneration and other charges of the litigation in O.S.17/34-35 (Government by the Muzrai Commissioner v M. T. Narayana Iyengar and others) on the file of the Additional District Judge, Bangalore, from the Sheriff's Muzrai Funds, subject to adjustment of the entire amount in due course.

2. Letter No.P.C.126/34-35 dated 13th October 1940 from the Muzrai Commissioner in Mysore stating that the resources of the Sri Yoganarasimha Mutt at Melkote on whose behalf the above litigation was undertaken are very poor, that the annual interest realised on the permanent funds of the Mutt is barely sufficient to meet the daily puja expenses in the Mutt and requesting sanction to waive the -- recovery of half (Rs.665-4-9) of the ~~allowance~~ advance made to meet the -- litigation charges (Rs.1330-9-6), the other half viz., Rs.665-4-9 being recovered by easy annual instalments of Rs.100/-, one of the interest realised on the permanent funds of the Mutt as an special case.

Order No. 1053-4 Finance 14-K-40, Dated, Bangalore the November 1940

The recommendation of the Muzrai Commissioner is sanctioned.

By order,
Secretary to Government,
General Department.

The Muzrai Commissioner in Mysore.
The Comptroller to Government (through Financial Advisor and Secretary).

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read :—

Government Order No.414-5/Muz.360-39-6 dated 28th August 1940 sanctioning the claim of the Public Prosecutor, Bangalore Division, for Rs.1330-9-6 including his remuneration and other charges of the litigation in O.S.17/34-35 (Government by the Muzrai Commissioner Vs M. T. Narayana Iyengar and others) on the file of the Additional District Judge, Bangalore, from the General Muzrai Fund, subject to adjustment of the entire amount in due course.

2. Letter No.H.C.120/34-35 dated 13th October 1940 from the Muzrai Commissioner in Mysore stating that the resources of the Sri Yathiraju Mutt at Melkote on whose behalf the above litigation was undertaken are very poor, that the annual interest realised on the permanent Funds of the Mutt is barely sufficient to meet the daily puja expenses in the Mutt and requesting sanction to waive the -- recovery of half (Rs.665-4-9) of the ~~allowance~~ advance made towards the -- litigation charges (Rs.1330-9-6), the other half viz., Rs.665-4-9 being recovered by easy annual instalments of Rs.100/-, ~~one~~ out of the interests realised on the permanent Funds of the Mutt as a special case.

Order No. 1053-4/Muz/14 K. 40-2

Dated, Bangalore the 18 November 1940.

The recommendation of the Muzrai Commissioner is sanctioned.

for Secretary to Government,
General Department.

To

The Muzrai Commissioner in Mysore,
" Comptroller to Government (through Financial Department)

App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to 566

Section. Revenue

File No. 148-40

Serial No.

General and Revenue Secretariat

( )

the 193 .

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 18-11-1940

Signed by .....

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Read— Govt. No. G 14-5/Revenue 360.39-40 dated 28.8.1940 forwarding the claim of the Public Prosecutor Bangalore division, for Rs 1330.9.6 including his remuneration and other charges of the litigation in connection O.S. 17/34-35 (Equity) by the Mysore Govt. V.S.M.T. Narayana Iyengar and others) on the file of the Additional City Judge, Bangalore, from the General Mysore Funds. Subject to confirmation of the entire amount as recommended by the Mysore Govt.

(2) Letter No. H.C 120/34-35 (Judl) 13.10.1940 from the Mysore

given in slightly Starting
the resources of the Municipality Hubli
at Rockote on whose behalf the
above dispensation has undertaken
are very poor, that the annual
interest realised on the permanent
funds of the Hubli is hardly sufficient
to meet the ~~daily~~ daily pay &
expenses in the Hubli and Dharwar
Sanction to Waive the recovery
of half (Rs 665-4-9) of the advance made
towards the Vaccination charges
(Rs 1330-4-6), the other half Rs
Rs 665-4-9. being recovered
from the Fund of the Hubli by
annual
easy instalments of Rs 100, and
of the interest realised on the
permanent funds of the Hubli
as a special case,

Order No 10573-4
19-11-41

The recommendation of the
Municipal Commissioner is Sanctioned

List of E

Copied by

Examined by

for Secretary to Government

WD 0554—GPB—22,500—9-1-39

The Municipal Commissioner
Dharwar